

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

KIMBERLY N. MYRICK,	:	
Plaintiff	:	CIVIL ACTION NO. 3:23-1924
v.	:	(JUDGE MANNION)
LELAND DUDEK, Acting¹	:	
Commissioner of Social	:	
Security,	:	
Defendant	:	

ORDER

Pending before the court is the report of United States Magistrate Judge Phillip J. Caraballo which recommends that the decision of the Commissioner of Social Security denying the plaintiff's application for social security disability benefits be affirmed, judgment be entered in favor of the defendant, and the Clerk of Court be instructed to close this case. (Doc. 17). No objections have been filed to Judge Caraballo's report. Upon review, the report and recommendation will be adopted in its entirety as the opinion of the court.

¹ Leland Dudek became the Acting Commissioner of Social Security on February 17, 2025. In accordance with Fed.R.Civ.P. 25(d), Leland Dudek is substituted for Kilolo Kijakazi as the defendant in this matter.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. Fed.R.Civ.P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

In reviewing the instant action, the plaintiff filed for Title II social security disability benefits on March 1, 2021, alleging disability based on a number of impairments, including fibromyalgia, rheumatoid arthritis, osteoarthritis, psoriasis, anxiety, vitamin deficiency, and hypertension. The plaintiff's application was denied initially and upon reconsideration. The plaintiff requested a hearing before an administrative law judge ("ALJ"), who also concluded that the plaintiff was not disabled under the Act. The plaintiff then initiated the instant action on November 20, 2023. In her filing, the plaintiff argues that the ALJ committed four errors which require reversal: (1) the ALJ

failed to properly assess her residual functional capacity and specifically the amount of weight she can lift or carry; (2) the ALJ failed to properly address her subjective complaints regarding her limitations and the side effects of her medications; (3) the ALJ failed to account for her obesity and its effect on her other impairments and limitations; and (4) the ALJ failed to properly weigh the opinion of a consultative nurse.

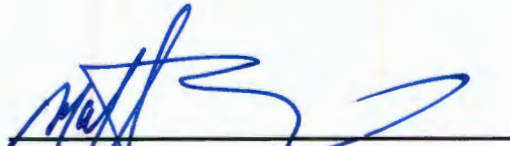
In a very thorough and well-reasoned opinion, Judge Caraballo carefully reviewed the plaintiff's arguments, the applicable regulations and case law as to each, and the ALJ's discussion of the issues. In doing so, Judge Caraballo concluded that the ALJ's determinations regarding the plaintiff's residual functional capacity, which included her subjective complaints and the impact of her obesity, as well as the ALJ's consideration of the medical evidence as a whole, provided sufficient reasoning to permit meaningful judicial review and were all supported by substantial evidence in the record. Having so found, Judge Caraballo recommends that the decision of the Commissioner denying the plaintiff social security disability benefits be affirmed.

As indicated above, neither party has filed objections to Judge Caraballo's report and recommendation. The court has carefully reviewed the record, as well as Judge Caraballo's comprehensive report in this case,

and finds no clear error. Moreover, the court agrees with the sound reasoning which led Judge Caraballo to his conclusions. Therefore, the court will adopt the report and recommendation in its entirety as the opinion of the court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1) The report and recommendation of Judge Caraballo (Doc. 17) is ADOPTED IN ITS ENTIRETY AS THE DECISION OF THE COURT.**
- (2) The Commissioner's decision denying the plaintiff's claim for Title II social security disability benefits is AFFIRMED.**
- (3) The plaintiff's appeal (Doc. 1) is DENIED.**
- (4) The Clerk of Court is directed to ENTER JUDGMENT IN FAVOR OF THE DEFENDANT AND AGAINST THE PLAINTIFF.**
- (5) The Clerk of Court is directed to CLOSE THIS CASE.**


MALACHY E. MANNION
United States District Judge

DATE: May 28, 2025

23-1924-01